



NFA Manual | Rules

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Interpretive Notices

END • NFA COMPLIANCE RULE 2-B: FCM AND INT-MONEY LAUNDERING PROGRAM

Revised November 16, 2006; January 15, 2008; March 26, 2008; and January 3, 2010

INTERPRETIVE NOTICE

The International Money Laundering (Statement and Anti-Terrorist Financing Act of 2001 ("Title III"),¹ which was signed into law on October 26, 2001, imposed significant new anti-money laundering requirements on all "financial institutions," as are defined under the Bank Secrecy Act (BSA).² Including FCMs,³ in particular, Section 302 of Title III and NFA Compliance Rule 2-B(a) requires all financial institutions to establish anti-money laundering (AML) programs which, at a minimum, must include internal policies, procedures and controls, a designated compliance officer to coordinate day-to-day operations of the program, an ongoing training program for employees, and an independent audit function to test the program.

NFA's Board of Directors adopted NFA Compliance Rule 2-B(a) to impose these requirements on NFA Member FCMs and IBs.⁴ NFA recognizes, of course, that the exact form of program adopted by a Member will vary based on a Member's type of business, the size and complexity of its operations, the breadth and scope of its customer base, the number of firm employees, its risks and vulnerabilities to money laundering and the firm's resources. Nevertheless, the Board believes that certain minimum standards must be a part of any AML program. The purpose of this interpretive notice is to highlight those minimum standards and provide Members with additional guidance on satisfying the requirements of Compliance Rule 2-B(a). Members must be aware, however, that the laws in this area are changing rapidly and that they need to conduct a regular review of their anti-money laundering program to ensure that the program is in compliance with any subsequent changes to the federal law or NFA Rules.

Many of the procedures discussed in this Notice are practices that financials already employ in their businesses. In particular, banks or bank holding company owned FCMs or IBs are already required to comply with certain components of the anti-money laundering programs of the Code. Firms should also have procedures in place related to deposits of cash or cash like instruments and procedures to obtain identifying information on customers. FCMs and IBs should use their existing programs and procedures as the building blocks for their anti-money laundering compliance programs. Moreover, FCMs and IBs that are registered securities dealers under the federal securities laws are subject to similar anti-money laundering requirements. In most cases, programs that comply with requirements applicable to the securities industry will comply with the requirements of this Notice.

Money laundering occurs when funds from an unlawful activity are moved through the financial system in such a way as to make it appear that the funds have come from legitimate sources. Money laundering usually follows three stages. First, cash or cash equivalents are placed into the financial system. Second, the money is transferred or moved to other accounts (e.g., futures accounts) through a series of financial transactions designed to obscure the origin of the money (e.g., ensuring trades with little or no financial risk or transferring account balances to other accounts). Finally, the funds are reintroduced into the economy so that the funds appear to have come from legitimate sources (e.g., closing a futures account and transferring the funds to a bank account). Trading accounts that are carried by FCMs are one vehicle that can be used to launder funds. In particular, a trading account could be used to execute financial transactions that help obscure the origin of the funds. FCMs and IBs need to be aware of potential money laundering abuses that could occur in a customer account and implement a compliance program to, among other things, detect, defend and report potentially suspicious activity.

DEVELOPING POLICIES, PROCEDURES AND INTERNAL CONTROLS

The starting point for an FCM and IB is to adopt a policy statement that clearly outlines the firm's policy against money laundering and commitments to follow all applicable laws and regulations to ensure that its business is not used to facilitate money laundering. The policy statement should also make clear that all employees of the firm have a responsibility to follow the firm's anti-money laundering procedures and controls, and to abide by all applicable laws and regulations involving anti-money laundering programs. The policy statement also should discuss the consequences of not following these procedures. The firm's procedures and controls should include appropriate controls to limit a reasonable belief that they know the true identity of each customer, recognize suspicious customers and transactions, and require personnel report suspicious or unusual activity to appropriate supervisory personnel, including senior management, and to FinCEN when appropriate. The firm's procedures and controls should also ensure that the firm maintains an adequate built-in or added law enforcement agencies in any investigation. The key components of these policies, procedures and controls are discussed below.

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Financial Regulation and Compliance H. David Kotz, 2015-07-06 Devise an organized proactive approach to financial compliance Financial Regulation and Compliance provides detailed step by step guidance for the compliance professional seeking to manage overlapping and new regulatory responsibilities Written by David Kotz former Inspector General of the SEC with additional guidance provided by leading experts this book is a one stop resource for navigating the numerous regulations that have been enacted in response to the financial crisis You ll learn how best to defend your organization from SEC CFTC FINRA and NFA Enforcement actions how to prepare for SEC FINRA and NFA regulatory examinations how to manage the increasing volume of whistleblower complaints how to efficiently and effectively investigate these complaints and more Detailed discussion of the regulatory process explains how aggressive you should be in confronting federal agencies and self regulatory organizations and describes how commenting on issues that affect your business area can be productive or not The companion website includes a glossary of terms regulations and government guidance relevant case law research databases and FAQs about various topics giving you a complete solution for keeping abreast of evolving compliance issues These days compliance professionals are faced with a myriad of often overlapping regulatory challenges Increased aggressiveness on the part of regulators has led to increased demand on financial firms but this book provides clear insight into navigating the changes and building a more robust compliance function Strengthen internal compliance and governance programs Manage whistleblower programs and conduct effective investigations Understand how to minimize exposure and liability from Enforcement actions Learn how to prepare for the different types of regulatory examinations Minimize exposure from FCPA violations Understand the pros and cons of commenting on regulations The volume and pace of regulatory change is causing new and diverse pressures on compliance professionals Navigate the choppy waters successfully with the insider guidance in Financial Regulation and Compliance [US Reg International Securities and Derivative Market 11e \(2 Vol\)](#) GREENE, 2014-12-29 Dramatic changes in U S law have increased the need to understand the complex regulation of todayand s global capital and derivatives markets U S Regulation of the International Securities and Derivatives Markets is the first truly comprehensive guide in this dynamic regulatory arena This completely updated Eleventh Edition was authored by a team of attorneys at Cleary Gottlieb Steen and Hamilton LLP one of the foremost law firms in international finance U S Regulation of the International Securities and Derivatives Markets provides thoroughly up to date coverage of the SEC Securities Offering Reform rules the impact of the Dodd Frank Act and the Sarbanes Oxley Act on public companies in the United States and much more Advising clients on cross border securities transactions means dealing with a tangle of complex rules and requirements This comprehensive reference explains in detail virtually everything your clients might want to know including The U S securities and commodities laws pertaining to foreign participants and financial products entering U S capital markets and U S securities in international markets including a comprehensive discussion of the requirements

imposed by the Sarbanes Oxley Act and the regulatory framework established by the Dodd Frank Act The rules and regulations affecting each participant including foreign banks broker dealers investment companies and advisers futures commission merchants commodity pool operators commodity trading advisors and others The rules and requirements behind different cross border transactions including private placements and Rule 144A ADR programs the U S Canadian MJDS global offerings and more The principal European Union measures governing securities offerings and ongoing reporting in the European Union Many additional regulatory issues including enforcement and remedies recent case interpretations FINRA and other SRO rules and much more U S Regulation of the International Securities and Derivatives Markets Eleventh Edition is by far the most comprehensive reference of its kind This is the only desk reference covering all U S laws and regulations affecting international securities offerings and foreign participants in U S capital markets It explains dozens of topics that simply cannot be found in any other published source and saving you valuable research time you and I have all the detailed information you need to guide clients through this dramatic new financial era *National Futures Association Manual*, 1999-07 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations for 2018 United States. Congress. House. Committee on Appropriations. Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, 2017 The Ultimate National Firearms Act Handbook Enforcement Programs Enforcement Programs and Services (U.S.), 2017-12-14 This handbook is primarily for the use of persons in the business of importing manufacturing and dealing in firearms defined by the National Firearms Act NFA or persons intending to go into an NFA firearms business It should also be helpful to collectors of NFA firearms and other persons having questions about the application of the NFA This publication is not a law book Rather it is intended as a user friendly reference book enabling the user to quickly find answers to questions concerning the NFA Nevertheless it should also be useful to attorneys seeking basic information about the NFA and how the law has been interpreted by ATF The book's Table of Contents will be helpful to the user in locating needed information **International Regulation of Derivative Markets, Products and Financial Intermediaries**, 1995 **Derivatives Regulation** Philip McBride Johnson, Thomas Lee Hazen, 2004-01-01 For over a quarter century Commodities Regulation has been recognized as the resource covering the derivatives marketplace Today Derivatives Regulation builds on that expertise delivering the coverage professionals and practitioners need in order to stay current with this changing topic Derivatives Regulation comprehensively covers the Commodity Exchange Act along with all other relevant aspects of the regulation of securities that have an impact on the derivatives markets Derivatives Regulation is completely updated to cover the full range of emerging regulatory reporting and legal issues surrounding derivatives and related instruments including Distinguishing between regulated and unregulated derivatives and knowing which rules to apply The significant roles of the SEC and the federal laws in regulating derivatives Meeting standards for exemption or other relief The workings of the derivatives markets and the rules applicable to trading Registration reporting

and disclosure requirements applicable to commodities professionals Criteria for publicly traded futures and commodity options Rules governing unprofessional conduct including the antifraud and anti manipulation prohibitions Customer protections the CFTC's reparations program arbitration programs and private rights of action in the courts *Federal Money Laundering Regulation* Steven Mark Levy, 2015-01-01 *Federal Money Laundering Regulation* Banking Corporate and Securities Compliance is your complete guide to understanding and complying with all U S statutes regulations and court decisions governing money laundering activity This valuable desk reference provides in depth analysis and guidance on recordkeeping and reporting requirements anti money laundering compliance programs money laundering crimes asset forfeitures and state and international measures against money laundering and terrorist financing This guide is especially aimed at law firms and corporate counsel representing banks insurance companies securities broker dealers and other financial institutions as well as the criminal bar public accountants and compliance officers The Second Edition of *Federal Money Laundering Regulation* reflects a substantial reorganization and expansion of the previous edition and adds three new chapters covering terrorist financing Chapter 5 OFAC compliance Chapter 10 and special measures against foreign jurisdictions or financial institutions deemed to be and of primary money laundering concern and Chapter 30 The remaining chapters have been extensively rewritten and reorganized to reflect major regulatory developments Highlights include Techniques used by federal state and local politicians to launder money The new role of the Federal Housing Finance Agency FHFA to ensure anti money laundering compliance by Fannie Mae Freddie Mac and the Federal Home Loan Banks Designing an adequate Customer Identification Program CIP for verifying the identity of persons seeking to open an account and checking customer names against terrorist lists Responding to an information request under Section 314 a of the Patriot Act Exercising due diligence when opening and managing correspondent accounts for foreign banks and enhanced due diligence for certain correspondent accounts Blocking freezing assets and property of OFAC designated countries entities or individuals and reporting the blocked transactions Using automated systems to facilitate BSA reporting including flagging suspicious activity and large currency transactions *Federal Register* , 2013-11 **US Hedge Investment Funds Handbook Volume 1 Strategic Information and Regulations** IBP USA, 2013-08 2011 Updated Reprint Updated Annually Hedge Investment Funds Handbook

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